

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; Honorable Brad Hill, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Anthony Lauria, Senior Deputy Clerk.

F048496 Nunes et al. v. Downey Brand

Cause called and argued by James R. Kirby, Esq., counsel for appellant and by Martin Reilley, Esq., counsel for respondent.

Cause ordered submitted.

F048255 Signature Fruit Co. & Insurance Co. of Pennsylvania v. WCAB; Ochoa

Cause called and argued by Paula E. White, Esq., counsel for petitioner and by Esequiel Solorio, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; Honorable Brad Hill, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Jill Rivera, Deputy Clerk.

F048337 Dean et al. v. County of Mariposa et al.

Cause called and argued by Michael J. Conklin, Esq., counsel for appellant and by Roderick E. Walston, Esq., counsel for respondent.

Cause ordered submitted.

F047978 Yosemite Meat and Locker Service, Inc. et al. v. Carrasco

Cause called and argued by Louis F. Schofield, Esq., counsel for appellant and by Earl L. Bohachek, Esq., counsel for appellant.

Cause ordered submitted.

The court adjourns.

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F047948 People v. Clark

The judgment is affirmed. Cornell, J.

We concur: Vartabedian, Acting P.J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F048178 People v. Martinez

Except for the verdicts finding Martinez guilty of violating section 647, subdivision (b), soliciting prostitution, the judgment is reversed. The matter is remanded to the trial court with instructions to grant the motion for new trial. An amended abstract of judgment shall be prepared to reflect the correct name of the defendant and the convictions for solicitation of prostitution. Cornell, J.

We concur: Levy, Acting P.J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F049199 In re James B. et al., a Minor

The judgment is affirmed. Vartabedian, Acting P.J.

We concur: Harris, J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F049246 In re Vanessa C., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F049246 In re Vanessa C., a Minor

The order terminating parental rights is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F046345 People v. Nieto

The battery convictions are affirmed, as is the section 290 registration requirement. The matter is remanded to the trial court to determine the total credit against the imposed fines to which Nieto is entitled as a result of his pretrial incarceration. Cornell, J.

We concur: Levy, Acting P.J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F048335 People v. Kephart

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F048335 People v. Kephart

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F048053 Stravinski et al. v. Kelton et al.

The order is affirmed. Costs on appeal are awarded to respondents. Levy, Acting P.J.

We concur: Cornell, J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F049622 People v. Guerra

The above-entitled case is submitted for decision.

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F049622 People v. Guerra

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F047610 People v. Kazozian

The criminal threat conviction in count 1 is reversed with these directions: If the People do not bring appellant to trial within 60 days after the filing of the remittitur, the trial court shall proceed as if the remittitur constitutes a modification of the judgment to reflect a conviction in count 1 of attempted criminal threat and shall resentence appellant accordingly. In all other respects, the judgment is affirmed. Levy, Acting P.J.

We concur: Cornell, J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F049167 People v. Breedlove

The above-entitled case is submitted for decision.

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F049167 People v. Breedlove

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F048368 People v. Washington

The judgment is affirmed. Wiseman, Acting P.J.

We concur: Dawson, J.; Hill, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F047792 People v. Coleman

The sentence is vacated and the case remanded for resentencing consistent with this opinion etc.

In addition, the trial court's order denying defendant's post-conviction motion for substitution of counsel is reversed. On remand, the court shall grant the motion and appoint counsel to determine whether a motion for a new trial should be filed based on ineffective assistance of trial counsel and, if appropriate, to file the motion. Wiseman, Acting P.J.

We concur: Gomes, J.; Hill, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F047756 People v. Cekov

Filed modification of opinion (change in judgment), petition for rehearing is denied. Appellant's conviction of possession of methamphetamine for purposes of sale and the true finding on the accompanying arming enhancement allegation are reversed. In all other respects the judgment is affirmed.

F047813 Maher v. Department of Developmental Services

Appellant's petition for rehearing filed herein is denied.

F048481 People v. Chapman

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F048481 People v. Chapman

The case is remanded for the trial court to amend the abstract of judgment to reflect that appellant's last name is Chapman but he was tried and convicted under the alias last name of Coleman. The court shall forward the amended abstract of judgment to the appropriate authorities. The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F050335 People v. Cathcart

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.